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JAN 24 2006

Ser. No.: 10/747,702      Filing Date: December 30, 2003      Docket No. ASZN0039-101  
 Matter No.: 178061  
 Title: Novel G Protein-Coupled Receptor      Pages to Follow: 3  
 Sender's Name: Paul K. Legaard      Date: January 24, 2006

RECIPIENT(S)	COMPANY/FIRM	FAX
Ruixiang Li	USPTO	(571) 273-8300

MESSAGE: OFFICIAL FAX

PLEASE DELIVER TO EXAMINER RUIXIANG LI

ATTACHED IS:

1. Transmittal Form (1 page)
2. Response to the Restriction Requirement (2 pages)

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Application Number

10/747,702

Filing Date

December 30, 2003

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First Named Inventor

Sultan Ahmad

Art Unit

1646

JAN 24 2006

Examiner Name

Ruixiang Li

Attorney Docket Number

ASZN0039-101 (A1807-2P US)

## ENCLOSURES (check all that apply)

- Fee Transmittal Form  
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 Amendment / Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/ Incomplete Application  
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- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence,  
 Terminal Disclaimer  
 Request for Refund  
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- After Allowance Communication to TC  
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## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Cozen O'Connor, P.C.

Signature

Printed Name

Paul K. Legaard

Date

January 24, 2006

Reg. No.

38,534

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January 24, 2006

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DOCKET NO.: ASZN0039-101 (A1807-2P US)

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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Applicants: Ahmad, Banville, Fortin, Lembo, O'Donnell, and Shen

JAN 24 2006

Serial No.: 10/747,702

Group Art Unit: 1646

Filed: December 30, 2003

Examiner: Ruixiang Li

Title: Novel G-Protein Coupled Receptor

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On 24 January 2006




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 Paul K. Legaard Reg. No. 38,534

**Mail Stop Amendment**  
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 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO THE RESTRICTION REQUIREMENT**

The present Response is filed in regard to the Restriction Requirement mailed January 18, 2005 in connection with the above-identified patent application.

The Examiner has restricted claims 1-42 into seventeen groups. Applicants elect Group III, containing claims 6, 7 and 41 drawn to human dorsal root receptor 1, with traverse.

The Office Action asserts that the groups are unrelated. Even if the Office Action still considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner has not met the *prima facie* burden. Indeed, the Examiner has not shown separate status in the art or a requirement for a different field of search. Further, Groups I, III, V, VII, IX, XI, and XIII have, in fact, been classified into identical classes (class 530) and subclass (subclass 350), thus, strongly indicating a lack of

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serious burden. Accordingly, the claims within Groups I, III, V, VII, IX, XI, and XIII should be examined together in the present application without restriction.

If the Office Action persists in applying the present restriction, Applicants presume that any prior art that is found relating to a non-elected group, to the extent that such prior art exists, will not be used in an obviousness rejection against a claim from any other group.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. In addition, Applicants submit that, at a minimum, claims within Groups I, III, V, VII, IX, XI, and XIII must be considered in the present application without restriction.

Respectfully submitted,

  
\_\_\_\_\_  
Paul K. Legaard  
Registration No. 38,534

Date: 24 January 2006

COZEN O'CONNOR, P.C.  
1900 Market Street  
Philadelphia, PA 19103-3508  
Telephone: (215) 665-6914  
Facsimile: (215) 701-2141